

Serial No.: 10/707,251  
Confirmation No.: 1250  
Applicant: AHLBERG, Jorgen  
Atty. Ref.: 07589.0145.PCUS00

**REMARKS:**

Claim 5 has been cancelled, claims 1 - 4 and 8 have been amended and entry of new claims 9 - 11 has been requested. The published application (U.S. 20050017568) of the present invention provides support for new claims 9 and 10 in paragraphs [0022] and [0021] respectively. Claims 1 - 4 and 6 - 11 are pending in the present application:

As requested by Examiner, a copy of the present application's parent case, PCT/SE02/00982 which designated the United States is included, as is the certified copy of the application's priority document, SE0101944-7.

**IN RESPONSE TO THE OFFICE ACTION:**

**REJECTION UNDER 35 U.S.C. §112:**

The Office Action indicates rejection of claims 1 - 8 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In consideration of the Examiner's suggestions, cancellation of claim 5 and amendment of claims 1 - 4 and 8 places claims 1 - 4 and 6 - 8 in condition for allowance. Accordingly, request is made for reconsideration and withdrawal of rejection of claims under 35 U.S.C. §112 second paragraph.

REJECTION UNDER 35 U.S.C. §103

Claims 1, 4 - 6 and 8, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dalman (U.S. 4,488,756).

Discussion of differences between the present invention and the reference includes a table providing requirements of claims of the present invention and a summary of teachings of Dalman as follows:

COMPARISON OF THE PRESENT INVENTION WITH TEACHINGS OF DALMAN

Claims Requirements of the Present Invention	Dalman U.S. 4,488,756
Claim 1 and claim 8 have each been amended to recite "hydraulic arrangement comprising: <u>a unitary</u> hydraulic cylinder assembly having at least two parallel, and in opposite direction working piston cylinders"	Dalman teaches three separate hydraulic cylinders attached at three spatially remote positions between the chassis and box of a truck.
Claims 1 and 8 further recite "piston cylinders that are hydraulically and mechanically coupled to one another."	Attachment of single hydraulic cylinders at separate locations around the box of a truck, as taught by Dalman, hardly suggests mechanical coupling of the cylinders to one another.

The statement of rejection, reproduced for convenient reference, indicates as follows:

Dalman teaches a hydraulic arrangement for operating a load body on a truck. The load body is connected to a frame of the truck at an articulated joint for tipping - see Figure 2. The system includes two parallel cylinders (see 2 cylinders 20 - e.g. Figure 4 etc.) which are hydraulically and mechanically coupled together as broadly claimed.

Re. claims 1 and 8, the cylinders (20) do not operate in an opposite working direction - note the piston of both pushes up and is located above the respective cylinders in the raised load body position.

It is known in the art to orient load body lifting hydraulic cylinder assemblies with the piston of the assembly pushing down on the vehicle frame and the cylinder located above the piston in the raised load body position. Such is evidenced by the orientation of the cylinder assembly 11 of Dalman. Note, however, the cylinder 11 is not positioned precisely parallel to the other cylinders 20, but nonetheless clearly teaches the opposite orientation of the push piston.

The Office Action admits that parallel cylinders 20 do not meet the requirement of claims 1 and 8 concerning “in opposite direction working piston cylinders.” Another deficiency of the reference is its failure to satisfy the requirement of claims 1 and 8 of the present invention for a parallel relationship among working cylinders. Also, mechanical connection of piston cylinders to one another, according to the teachings of Dalman, depends upon the unlikely broad interpretation of Figure 2 of the reference that appears to use the truck box as the coupling element. Applicant submits that such a broad interpretation for mechanical interconnection could only be reached with knowledge of the present invention.

As indicated above, Dalman fails to either teach or suggest at least two of the original limitations of the present invention. It is questionable that the reference could be deemed to teach mechanical coupling between cylinders without influence from the description of the present invention. To further differentiate the present invention from the reference, the limitation of a “unitary hydraulic cylinder assembly” has been included in amended claims 1 and 8. The published application (U.S. 20050017568) of the present invention at paragraph [0013] describes the unitary nature of a hydraulic cylinder assembly as “a compact and mechanically solid unit.”

Dalman fails to teach or suggest, or otherwise provide, a lifting unit containing hydraulic cylinders, thereby failing to render the present invention as obvious to one of ordinary skill in the art. Request is made for reconsideration and withdrawal of the rejection of amended claims 1 and 8 under 35 U.S.C. §103(a).

In offsetting the omissions from the reference of Dalman, previously discussed, the following statement from the Office Action suggests that the Examiner relies upon personal knowledge for sustaining rejection of claims under 35 U.S.C. §103(a).

As an obvious reversal of parts (i.e. reversing the cylinder and piston orientation), it would have been obvious to one of ordinary skill in the art to reverse the orientation of one of the cylinders 20 such that the piston was below the cylinder in the raised load body position in view of known art practices as evidenced by Dalman. Such an orientation would include the two parallel cylinders 20 oriented in opposite working directions.

Applicant acknowledges the use of personal knowledge (37 CFR 1.104(b)(2)) as a basis for rejecting claims, but submits that the proposed modification of Dalman could not have been made without knowledge of the present invention. Regardless of the use of personal knowledge, a *prima facie* case for rejection requires explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification of reversing the direction of one of the parallel hydraulic cylinders. Such a modification is not taught and is not needed by Dalman for raising the truck box from the truck frame.

In view of the above, Applicant submits that the requirement and burden of presenting of a *prima facie* case of obviousness under 35 USC §103 has not been met. Applicant therefore requests the reconsideration and withdrawal of the rejection of claims 1 and 8 under 35 USC §103(a).

Claim 5 has been cancelled.

Dependent claims 4 and 6 include the limitations of amended claim 1, which claim has been shown to be unobvious over the reference of Dalman. Claim 1 is patentable whereby claims 4 and 6 should likewise be patentable.

For the reasons given, Applicant requests that the rejection of claims 1, 4-6 and 8 under 35 U.S.C. §103(a) be reconsidered and withdrawn and that the Examiner indicate the allowance of the claims in the next paper from the Office.

#### ALLOWABLE SUBJECT MATTER

Applicant acknowledges with appreciation that Claims 2, 3 and 7 represent allowable subject matter, overcoming objection if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is believed that original claims 1 - 4 and 6 - 8 should be allowed as discussed above. Also new claim 11 is believed to be allowable, overcoming the stated objection, since claim 11 includes the limitations of claim 1 and claim 2.

CONSIDERATION OF OTHER REFERENCES

Cited references that are not relied upon do not teach required limitations of claims of the present invention.

Applicant has made an earnest attempt to respond to all the points included in the Office Action and, in view of the above, submits that the present invention is not obviousness over the reference of Dalman. Amendment of claims overcomes rejection under 35 USC §112 and under 35 USC §103 to place the application in condition for allowance. Consequently, request is respectfully made for reconsideration of the application and notification of allowance of claims 1-4 and 6-11 in the next paper from the Office.

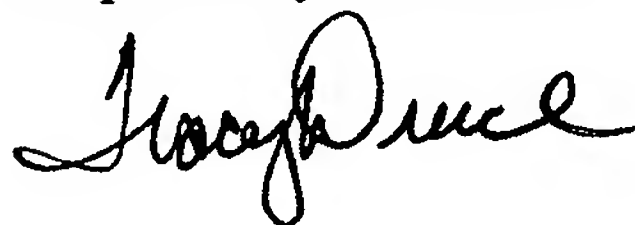
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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 07589.145.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



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